HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 89 **DATE:** March 2, 2005

Version: As introduced

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Subject: Methamphetamine.

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Overview

This bill increases and adds regulations for the sale of precursor substances used in the production of methamphetamine, specifically ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine. The bill authorizes only pharmacies to sell drug products in tablet form containing any quantity of the above substances. Pharmacy sales are limited in quantity and subject to reporting provisions. These regulations are modeled after Oklahoma law. A violation of these regulations results in a misdemeanor penalty.

Section

1 **Exceptions.** Highlights that the exceptions for current tracking regulations have no effect on the new reporting requirements found in section 2 below. [Effective August 1, 2005 for transactions made on or after that date.]

2 **Exceptions.** Removes the exception for drug products containing ephedra or ma huang. Under current law, ephedra and ma huang are not subject to the current marketing restrictions and prescription regulations that apply to ephedrine. (On April 12, 2004, the federal government banned the dietary supplements containing ephedra because of the "unreasonable risk of illness or injury" associated with such products.) [Effective August 1, 2005 for transactions made on or after that date.]

3 **Sales for illicit purposes prohibited.** Adds norpseudoephedrine to this subdivision, under which it is currently unlawful for a person to sell a product containing ephedrine, pseudoephedrine, or phenylpropanolamine, if the person knows the product will be used as a precursor to an illegal substance. [Effective August 1, 2005 for transactions made on or

Section

after that date.]

4 **Sale regulations.** Provides that only pharmacies are allowed to sell tablets containing ephedrine, p seudoephedrine, norpseudoephedrine or phenylpropanolamine. The s ales of these drug products are restricted to behind-the-counter transactions, under the supervision of a licensed pharmacist, assistant pharmacist, or pharmacy intern. A person may purchase no more than nine grams of any product containing ephedrine, p seudoephedrine, norpseudoephedrine or phenylpropanolamine per month without a prescription. A purchaser is required to present photo identification and sign a written log (applies to prescription and non-prescription sales). [Effective August 1, 2005 for transactions made on or after that date.]

5 **Exceptions.** Provides an exception from the sales regulations and reporting requirements in section 4 for drug products in liquid, liquid capsule and gel capsule form when ephedrine, p seudoephedrine, norpseudoephedrine or phenylpropanolamine is not the only active ingredient. [Effective August 1, 2005 for transactions made on or after that date.]

6 **Reporting sales.** Provides that a pharmacy shall report precursor sales transactions to a central repository to be designated by the commissioner of public safety. All pharmacies must maintain their written logs for five years, which are subject to inspection by the BCA. [Effective August 1, 2005 for transactions made on or after that date.]

7 **Rule adoption.** Authorizes the commissioner of public safety to adopt reporting rules and implement a centralized database system to track and authorize sales. [Effective July 1, 2005.]